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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,614

09/29/2003

Cathy D. Santa Cruz

2555

7590

02/09/2005

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EXAMINER

STONE, JENNIFER A

ART UNIT

PAPER NUMBER

2636

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,614

Applicant(s)

SANTA CRUZ ET AL.

Examiner

Jennifer A Stone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 3-6 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show text labeling for items 12, 14, 16, 24, 26, 28, 22, 20, and 18 in Figure 1 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the system" described as item #10 in the specification must be shown (on the drawing) or the feature canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the

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drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Item 26, Figure 1 must be described in the specification as shown on the drawing.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossi (US 6,104,293).

For claim 1, Rossi discloses a tamperproof occupant detection and alarm system for a vehicle comprising: electrical components including a first power source (col 2, Ins 39-42; Fig. 1, item 20); an ignition switch (col 2, Ins 44 and 45; Fig. 2, item 32); an ignition detection means (col 2, Ins 60-63, Fig. 2, item 33); a weight detection means (col 2, Ins 25 and 26; Fig. 1, item 16); a timer (col 3, Ins

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29-31); and a vehicle alarm system (Fig. 2, item 22; col 3, lns 22-25); said weight detection means being located within either a vehicle seat located within a vehicle or within a child's safety seat positioned and secured upon said vehicle seat (col 2, lns 18-22), and said electronic components being electrically interconnected and energized by said first power source (col 2, lns 39-42), whereby: when said ignition switch assumes an "off" or locked position, said timer automatically activates for a predetermined time, while said predetermined time has elapsed a weight detection means is activated, and if the weight detection means detects a predetermined weight remains thereon, said alarm system automatically activates until said predetermined weight has been removed (col 3, lns 21-31). Even though Rossi discloses that the weight detection means is activated prior to and during the predetermined time, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to activate the weight detection means only after the predetermined time has elapsed in order to conserve energy for the weight detection means.

For claim 2, Rossi discloses a second power source having notification means whereby: if said first power source fails, the second power source is automatically activated and serves to energize said weight detection means and associated electronics (col 2, lns 45-49; Fig. 2, item 19), whereby: if said weight detection means detects a predetermined weight remains thereon, the alarm system automatically activates until said predetermined weight has been removed (col 2, lns 53-55; col 3, lns 25-31).

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6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rossi (US 6,104,293) as applied to claim 1 above, and further in view of Vos et al. (6,640,175).

Rossi does not disclose a programmable weight detection means where a predetermined weight is 6 pounds. However, Vos discloses both of these features (col 3, lns 40-42 and 50-57; col 8, lns 11-17). It would have been obvious to detect and program weight ranges in order to activate safety devices at the most appropriate times to avoid injury.

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rossi (US 6,104,293) as applied to claim 1 above, and further in view of Edwards et al. (US 6,714,132).

For claim 8, Rossi discloses a timer that is programmable, but does not disclose a specific predetermined time. However, Edwards discloses a predetermined time for activating an occupant detection alarm, where the time is at least 30 seconds (col 5, lns 3-10). It would have been obvious to program a predetermined timer for a period of 30 seconds based upon a user's preferences.

For claim 9, Rossi does not include a sensor to sense the condition of the system; however, Edwards discloses a sensor to sense the condition of the system whereby if the system is not operating (due to a low power supply), the alarm system automatically activates (col 3, lns 35-37). It would have been obvious to provide an alarm upon a low power supply so that a user recognizes replacing/recharging a power supply in a timely manner.

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8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rossi (US 6,104,293).

The claim is interpreted and rejected for the same reasons as stated in the rejection of claim 1 as stated above. In addition, Rossi discloses if the weight is not removed before the ignition switch assumes said on position (vehicle is off) the timer is again activated (col 4, lns 14-20). Even though Rossi does not disclose the weight being removed and replaced, it is obvious that the system will not distinguish between the weight removed/replaced or never removed because in both instances, the timer will only recognize that a weight remains or has remained on the seat.

Allowable Subject Matter

9. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Toles (US 2003/0132838) discloses a child occupant detection system connected to an ignition switch.

Gift et al. (US 2004/0212488) discloses a warning system for detecting presence of a child in an infant seat.

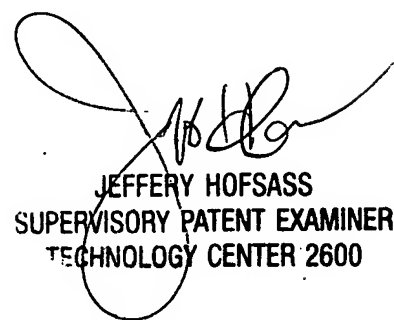
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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Stone whose telephone number is (571) 272.2976. The examiner can normally be reached 8:00-4:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeffery Hofsass can be reached at (571) 272.2981. The fax phone number for the organization where this application or proceeding is assigned is (703) 872.9306 for regular and after final communications.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272.2600.

Jennifer Stone
February 3, 2005



JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600